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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-eighth session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 1 May 2002, at 3 p.m.

Chairperson: Mr. RIEDEL
(Vice-Chairperson)

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In the absence of Ms. Bonoan-Dandan, Mr. Riedel, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS (agenda item 6) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Second periodic report of Ireland (E/1990/6/Add.29; E/C.12/Q/IRE/2; HR/CESCR/NONE/2002/3; HRI/CORE/1/Add.15/Rev.1)

1. At the invitation of the Chairperson, Ms. Canavan, Mr. Costello, Ms. Doyle, Mr. Fanning, Ms. Fletcher, Mr. Griffin, Mr. Jestin, Ms. Langford, Mr. Mangan, Ms. O'Donnell, Mr. O'Dwyer, Ms. O'Rourke and Mr. Rowan (Ireland) took places at the Committee table.

2. Ms. LANGFORD (Ireland) said she welcomed the opportunity for dialogue with the Committee; it would help the Irish authorities to measure to their progress. In reply to the Committee's concluding observation on Ireland's initial report concerning the status of the Covenant vis-à-vis the Constitution, she referred the Committee to the explanation of Ireland's dualist legal system contained in its the second periodic report to the Human Rights Committee. Successive Irish Governments had demonstrated their commitment to the progressive improvement of economic, social and cultural rights. Adherence to the provisions of the Constitution did not obstruct the realization of the State's obligations under the Covenant insofar as executive priority allowed. The Government conducted its policy for fighting poverty and social exclusion through the Oireachtas (Parliament), and a national anti-poverty strategy was in place.

3. The Constitutional Review Group had concluded in 1996 that the Constitution should not confer economic or social rights, which were essentially political, and that to transfer decisions on major policy issues from the Oireachtas to a non-elected judiciary would be to distort democracy. Final responsibility for distribution of the State's resources rested with the executive working through the political process. Where appropriate, the executive enshrined rights in legislation and also advanced them through policy and service development. An Oireachtas committee would be considering the Constitutional Review Group's proposal that certain substantive rights, such as the right to just and favourable working conditions and an adequate standard of living, should be incorporated as non-justiciable rights.

4. Under the Good Friday Agreement interlocking institutions had been established in Northern Ireland, between North and South, and between the United Kingdom and Ireland. The various Governments had effected constitutional change so that the people of Northern Ireland could decide their constitutional future. The human rights institutions set up in that context were making an important and meaningful contribution to the creation of a dynamic rights environment. A package of proposals had been put forward to encourage progress on the four outstanding key elements of the Agreement: policing, stability in institutions, the decommissioning of paramilitary weapons, and the normalization of the security environment.

5. As a result the Irish Republican Army (IRA) had proceeded to put its arms beyond use, an initiative it was hoped the Loyalist paramilitaries would emulate. The first recruits - half Catholics and half Protestants - to the new Police Service of Northern Ireland (PSNI), overseen by a Policing Board, had been trained, and further steps were being taken to dismantle British army installations in Northern Ireland. Although it might be years before the climate of trust, reconciliation and partnership envisaged in the Agreement became a reality, her Government remained committed to building on the progress made to date.

6. The country now had a broadly based anti-discrimination regime regarding education, accommodation and employment. The 1999 Employment Equality Act and the 2000 Equal Status Act guaranteed workers, job seekers, trainees, and those seeking goods and services protection from discrimination in a number of spheres, some of them not mentioned in the Covenant. The two Acts were underpinned by the independent Equality Authority with statutory responsibility to eliminate discrimination, and the office of the Director of Equality Investigations, which mediated in cases of discrimination referred to it by the Authority or by the public. Its findings were binding and could result in financial compensation or specific actions to be undertaken by the respondent.

7. Turning to equality for the disabled, she cited a number of measures that played a role in the disability equality agenda. They included the 2001 Disability Bill, currently the subject of consultation; enactment of the Equal Status Act and establishment of the Equality Authority; introduction of a mainstreaming approach to service delivery; establishment of the National Disability Authority and of a new organization for providing independent information and advice to all citizens; the goal of 3 per cent employment of the disabled in the public service; and the creation of People with Disabilities in Ireland (PwDI) Ltd., a national independent body to represent the disabled.

8. With the passing of the new legislation, in December 2000 the authorities had been able to ratify the International Convention on the Elimination of All Forms of Racial Discrimination. Ireland had been one of the few countries to opt into article 14 of that Convention, which provided for the hearing of individual petitions once domestic remedies had been exhausted. The Government had taken various anti-racism initiatives, and in 2002 had launched a national action plan against racism, aimed at promoting an inclusive society through the coordination of existing policies and the identification of new integration initiatives.

9. Regarding asylum-seekers, refugees and immigration, the Refugee Act had come into effect in November 2000: independent offices of the Refugee Applications Commissioner and the Refugee Appeals Tribunal, and an independent Refugee Legal Service for asylum-seekers, had been set up. Ireland was committed to meeting its obligations under the 1951 Geneva Convention relating to the Status of Refugees and ensuring effective, speedy and fair processing of asylum applications. It was developing a new immigration policy based on comprehensive consultation. The number of asylum-seekers in the system for over six months had declined sharply, most of them currently being in the final stages of the process. Another innovation was the Reception and Integration Agency responsible for overseeing asylum-seekers' accommodation needs.

10. A core objective of social protection was to increase benefits and pensions in real terms so that the disadvantaged could share in the country's economic growth. Budget spending in that area had increased by 20 per cent in the period 1997-2001, with a further 16 per cent increase planned for 2002. Unemployment had long been a source of social and economic difficulties, which the Government had had mixed success in tackling. A key objective of the recent employment action plan was to eliminate long-term unemployment. All bona fide employees were protected by employment legislation, and the Labour Inspectorate operated in an impartial and non-discriminatory manner. Breaches of the law were thoroughly investigated by the Inspectorate, and legal proceedings were instituted against offenders.

11. The promotion of social inclusion was at the heart of the Government's approach to social and economic development. In addition to the 1997 national anti-poverty strategy, in 2001 Ireland had, in accordance with European Union common objectives, adopted a national action plan against poverty and social exclusion. The anti-poverty strategy addressed the needs of vulnerable groups and monitored the proportion of the population with inadequate income. New national mechanisms to promote social exclusion had been established.

12. With the highest home-building rate in the European Union, the authorities had reduced the increase in house prices from an annual average of 40 per cent in 1998 to well below 10 per cent in 2001. Ireland's huge investment in health in recent years - increased by some €6 billion between 1997 and 2001 - and its strategic approach to health services had been highly effective.

13. A key component of Irish economic and social policy was high-quality, accessible and inclusive education to cater to all social groups; it had been instrumental in meeting the needs of a dynamic new economy and had led to sustainable employment and Ireland's full participation in the global information society, combating disadvantage and inequality and enhancing the quality of life.

Articles 1-5 of the Covenant

14. Mr. PILLAY said that in its concluding observations on the country's initial report the Committee had stressed that, although Ireland had long since ratified the Covenant, it had yet to be fully incorporated into domestic legislation and had rarely, if ever, been invoked in the courts. It transpired from the written reply to question 22 in the list of issues that most of the rights enshrined in the Covenant were not justiciable and were merely statements of intent.

15. However, as the Irish authorities were well aware, all the Committee's general comments stated unequivocally that all rights enshrined in the Covenant were justiciable. In its concluding observations the Committee had recommended that the authorities should incorporate justiciable economic, social and cultural rights in the proposed amendment to the Constitution. Such rights included free and compulsory education. The Constitution offered protection through the judicial vindication of fundamental rights. Could it not do the same for economic, social and cultural rights?

16. Mr. MALINVERNI asked how the delegation justified Ireland's refusal to incorporate the Covenant into domestic legislation when it was allegedly on the verge of incorporating the European Convention on Human Rights. That inequity could not honestly be attributed to the dualist legal system adduced by the State. With only partial recognition of foreign degrees and diplomas, refugees continued to be discriminated against, obliged as they were to accept employment well below their qualifications. The thorny problem of family reunification of refugees persisted, with minors placed in camps with ill-qualified staff. The child and maternal mortality rate among the Traveller community was far higher than for other groups, and stereotypical gender roles in the family were still being perpetuated.

17. The CHAIRPERSON thanked the State party for appending to its report a section dealing with the Committee's concluding observations on its initial report, an innovation that would be proposed to other countries. Supporting the observations made concerning the dualist-monist dichotomy, he said that, where there was political will, rights could be incorporated into domestic legislation under both systems. He saw no reason why Ireland could not incorporate the rights enshrined in the Covenant into its domestic legislation, particularly since it had been among the first to ratify the revised European Social Charter, the European equivalent of the Covenant.

18. Mr. AHMED noted that, despite the Committee's recommendation in its earlier concluding observations, there was still no rights-based policy on the disabled. Government spending on disabled persons, begun in 1996, was still meagre: half the buses in Dublin were inaccessible to the disabled; hospital care available to them was abysmal and had led to a two-tier health system, in which the rich could afford adequate care in private clinics; and the system of keeping the mentally handicapped in psychiatric hospitals had not improved.

19. As for women's rights, women enjoyed insufficient freedom regarding their reproductive health and could still not seek abortions on Irish territory. Indeed, other treaty bodies, notably the Human Rights Committee and the Committee on the Elimination of All Forms of Discrimination against Women, had recently inveighed against the persisting lack of gender equality, and the perpetuation of gender stereotyping and traditional attitudes to women.

20. Mr. WIMER ZAMBRANO said he was rather surprised that the problem of the Traveller community had not received more attention in the State party's replies to the questions raised in the list of issues, where he had found little new information on what was, after all, a widely recognized problem. He would welcome more information on the social, political and legal relationship between the State and the Roman Catholic Church and on the legal and administrative structure of the National Disability Authority.

21. Mr. SADI noted that the principle of self-determination for the people of Northern Ireland was at the heart of the Good Friday Agreement and seemed to preclude any change in the status quo as long as there was a Loyalist majority in the north. He was intrigued by the delegation's comment that Ireland aimed to realize the objectives of the Covenant insofar as executive priority allowed, and would be grateful if the delegation could explain precisely what was meant. Lastly, he wondered if the Irish Government might change its approach to incorporating the Covenant into domestic legislation if the Committee specifically recommended that the Covenant should be made justiciable.

22. Mr. HUNT said that the Committee had a rare opportunity to consider the response of a particular Government to its concluding observations, as the Government in power in Ireland was the same as at the time of Ireland's previous report. Turning to the list of issues, he noted that despite the "principle of equivalence" established by the Good Friday Agreement, Ireland's national human rights institution still apparently had no full-time staff or chief executive, whereas its equivalent in Northern Ireland was already fully operational: he would like to know when the Republic's institution was expected to become operational. He would also like to know what had been meant by the reference to that institution's important and meaningful contribution to a dynamic rights environment.

23. He found the State party's explanation that it was not possible to comment on the national Human Rights Commission's prioritization of rights, including economic, social and cultural rights, an unsatisfactory reply to question 3 in the list of issues. The State party could provide the Committee with information on the Commission's programme of work regardless of whether it was independent or not, just as it could provide information on an independent judiciary.

24. The reply to question 5 failed to indicate what percentage of gross national product (GNP) the figures given represented, and the brief reply to question 6 was unclear: he would be grateful if the delegation would clarify both replies.

25. Mr. CEAUSU welcomed the positive developments that had taken place in Ireland since the submission of its previous report and said they should have a positive impact on the promotion of economic, social and cultural rights in the country. Economic development, for instance, meant there were more resources available to promote those rights. Like Mr. Hunt, he would welcome more information on the Irish Human Rights Commission, even though it was not yet fully operational. In particular, he would like to know who its members were and how they were chosen.

26. The entry into force of the Employment Equality Act was a positive development; he was especially interested in the introduction of age as a new ground for discrimination and would like to know how that concept was defined or how it had been construed by the drafters of the legislation.

27. Mr. MARCHÁN ROMERO also welcomed the new laws against discrimination, as well as the progress made in dealing with asylum-seekers and refugees. However, he would be grateful if the delegation would provide more details on the current status of immigrants, particularly with respect to the rights to social security, work and education, and indicate whether the new legislation on immigration would be intended generally to promote or restrict immigration.

28. Mr. GRISSA said he was especially concerned about the situation of women in Ireland. The law that forced them to travel to the United Kingdom for abortions or to risk a dangerous illegal abortion in Ireland was inhuman: the law should protect women, not force such choices

on them. He was also concerned at reports that refugees were not welcome and were badly treated in Ireland, a country from which many refugees had fled during the colonial era. He would like to know more about the Government's efforts to protect the rights of refugees to work, housing and so on.

29. Ms. O'ROURKE (Ireland), in response to the concerns expressed about the manner in which Ireland complied with its obligations under the Covenant, gave an overview of the legal and constitutional imperatives that dictated its approach to the implementation of economic, social and cultural rights. After citing the relevant articles of the Irish Constitution, she explained that the concept of the separation of powers was at the centre of the Irish constitutional order. The Oireachtas had sole and exclusive power to enact legislation; it also elected the executive, which was responsible to it. Parliament and the executive were together responsible for the formulation and implementation of policy and for public spending and were ultimately accountable to the people who elected them, who could vote them out of office. The judiciary, on the other hand, was not elected and was not politically responsible for judicial decisions. As a result of the separation of powers, laws in Ireland were prescriptive and were interpreted very literally by the judiciary, in a manner that might seem strange to people from civil-law traditions. Legislation therefore had to be absolutely clear in scope and there was no place for vague or aspirational legislation. It followed that not all rights could be framed in a legislative fashion: those that could be expressed without ambiguity were put on a legislative footing in laws such as the Social Welfare Act. Rights such as the right to housing or the right to work, however, did not lend themselves to being formulated with the necessary prescriptive precision. If they were to be formulated without such precision, the judiciary would inevitably be called upon to interpret the extent of the right, which would lead to a transfer of power from the elected representatives of the people to an unelected and unaccountable judiciary.

30. Mr. MALINVERNI said that the failure to incorporate the Covenant into domestic legislation could not be justified by evoking the separation of powers, as it was the State as a whole that was responsible for meeting its international obligations, not a single branch. From an international perspective, all the organs of State - Parliament, the Government and the judiciary - were responsible. He found it difficult to believe that the very parliament which had given its approval for the Covenant to be ratified should refuse to incorporate it into domestic legislation, as that would mean the Covenant could not be invoked inside the country.

31. Ms. LANGFORD (Ireland) explained that Ireland took its international commitments extremely seriously and that was why there was often a long period between its signing and its ratification of international conventions or agreements. Its approach was a very cautious and gradual one, and it took great care to ensure that all the necessary policies were in place before incorporating international instruments such as the Covenant into domestic legislation.

32. Mr. COSTELLO (Ireland) stressed that Ireland also took its responsibilities towards asylum-seekers and refugees very seriously. New independent processing agencies had been set up to process applications for asylum, and applicants were provided with accommodation and legal and social support. Unsuccessful applicants were returned to their country of origin, while those recognized as refugees were given assistance to become integrated into the community. The Government's policy on immigration included a rigorous approach to the abhorrent practices of trafficking in persons and illegal immigration.

33. His Government had taken a considered decision on the basis of past experience not to allow asylum-seekers to work. Bearing in mind that asylum-seekers had only temporary permission to remain in Ireland pending a decision on their applications, his Government believed that recognizing the right to work for asylum-seekers would undermine the significant progress made in processing asylum applications, have a negative impact on the number of asylum-seekers - which had tripled during a brief experiment granting them a temporary right to work in 1999 - have a negative impact on Ireland's capacity to accommodate asylum-seekers and encourage trafficking. He stressed that significant progress had been made in processing applications more quickly, and it was hoped that very soon no one would have to wait for more than about six months for their application to be processed.

34. The Refugee Act made provision for family reunification, setting out the criteria by which applications were to be assessed, and also for dealing with unaccompanied minors. Such minors were placed in the care of health authorities, who acted in the best interests of the child. The people who provided accommodation for the minors received special training and there were rigorous safeguards to ensure the children's safety and well-being.

35. Ireland's immigration legislation was being revised and updated on the basis of the outcome of public consultations on the subject and a report on best practice in immigration policy that his Government had commissioned from the International Organization for Migration and hoped to receive soon. Under the Refugee Act, refugees had the same rights and entitlements as Irish nationals as far as access to social security, employment, health care and so on were concerned.

36. Ms. O'DONNELL (Ireland) said that her country's anti-discrimination legislation was relatively advanced. Various bodies had been established under the Employment Equality Act of 1998 to address complaints of discrimination, with positive results. Both the Equal Status Bill and the Employment Equality Act were favourable to members of the Traveller community. However, the Monitoring Committee on the Implementation of the Recommendations of the Task Force on the Travelling Community had noted with disappointment that progress had been slow despite the numerous measures taken by the Government to improve the situation of Travellers.

37. Ireland had undergone significant social and economic changes in recent years. Immigration was a fairly new phenomenon and people often found it difficult to adapt to the new environment, leading to xenophobic attitudes. As yet, there had been no significant case law under the 1998 Act involving race. However, the Government was taking measures to address the issue, including through the introduction of a national anti-racism awareness programme.

38. Mr. GRIFFIN (Ireland) said that a national strategy on Traveller accommodation had been adopted in 1996, providing a framework for the provision of suitable accommodation to meet the needs of Travellers. A Traveller Accommodation Unit had been established to oversee implementation. The Housing (Traveller Accommodation) Act of 1998 required local authorities to prepare and adopt five-year programmes to meet the accommodation needs of

Travellers, with the establishment of consultative committees tc foster dialogue between Travellers and local communities. Between 1996 and 2001 a total of €81 million had been spent on new accommodation and on the refurbishment of existing accommodation for Travellers. Under the national anti-poverty strategy, all Traveller families identified as being in need would be accommodated by the end of 2004.

39. Ms. FLETCHER (Ireland) said that the Department of Health and Children had prepared an €8.2 billion national health strategy for the Traveller community, covering the period 2002-2005.

40. Mr. FANNING (Ireland) said that his Government was committed to meeting the educational needs of Traveller children. Government policy was underpinned by two principles: integration into the mainstream school system, with due recognition of the children's cultural identity; and age-appropriate placement in schools. All Traveller children of primary school age were currently enrolled in schools, and each year approximately 600 went on to secondary education. Approximately 400 specialized teachers worked in schools catering to Travellers, focusing primarily on literacy and numeracy. Such schools received substantial support from the Government. A visiting teacher service had been established to mediate between the home and school life of Traveller children.

41. Ms. FLETCHER (Ireland) said that the Mental Health Act had been adopted by Parliament in 2001 and would be phased in gradually. The Act would significantly improve the situation of mentally disabled persons housed in psychiatric hospitals, in part by transferring patients to more appropriate accommodation. The number of patients in psychiatric hospitals had halved since 1996.

42. Ms. LANGFORD (Ireland) said that women constituted 48 per cent of the labour force. If women over the age of 65 were included, the figure rose to 53 per cent. In order to help women combine family and work responsibilities, the Government had invested €473 million in childcare for the period 2000-2006. The role of women in Irish society was still a topic of much debate. The Government was therefore trying to create a framework to allow women to participate in society however they might choose and to develop family-friendly policies in the future.

43. Ms. CANAVAN (Ireland) said that public debate on abortion had revealed that there was a wide spectrum of opinion on the matter. Any change in the law to make abortion available would require a Constitutional amendment, which was ultimately a decision for the people rather than the Government. An all-party committee had carried out extensive consultations on the issue and had submitted a report to the Government. A proposal to legalize abortion had been voted on in a referendum in March 2002, and had been narrowly defeated.

44. A crisis pregnancy agency had recently been established with the task of preparing a national strategy to address the issue of crisis pregnancies. Much concern had been expressed about the need to provide advice and raise women's awareness of the options available to them.

45. Mr. SADI, speaking on a point of order, said that the question of abortion should be addressed under article 10.

46. The CHAIRPERSON said that he agreed, although the question had arisen in connection with discrimination.

47. Mr. HUNT said that further information should be provided on questions 5 and 6 in the list of issues.

48. Mr. ROWAN (Ireland), replying to a point raised by Mr. Sadi regarding the Good Friday Agreement, said that the two underlying principles of the Agreement were consent and parity of esteem. It was true that if the principle of self-determination were observed it was likely that the Loyalists would opt for the status quo. However, Nationalists now accounted for 45 per cent of the population of Northern Ireland, and there was a possibility that they would vote for a change in Constitutional status. Parity of esteem, however, meant that it was impossible to transfer the problem from one side of the communal divide to the other. For that reason, the Northern Ireland Executive was composed of equal numbers of members from the Nationalist and Loyalist communities.

49. The Human Rights Commission had been established but unfortunately was not yet fully operational. The Government's intention in its written replies had simply been to underline that the Commission was an independent body. He was unable to provide further details because the Commission's work programme had not yet been determined; information would be communicated to the Committee as soon as it became available.

50. The Minister for Justice, Equality and Law Reform was responsible for appointing the 14 members of the Commission, from a list proposed by an advisory selection committee. Approximately 50 per cent of members were women. The Commission's president had recently resigned because of health reasons, which had slowed progress. The Chief Executive was expected to be appointed in May 2002. The Commission's mandate extended beyond the requirements outlined in the Good Friday Agreement and it had the potential to play a very meaningful role in the field of human rights in Ireland.

51. With regard to question 5, he said that GNP was increasing rapidly, which made it difficult to provide figures on official development assistance (ODA) in terms of GNP. ODA was currently just over 0.35 per cent of GNP. By the end of 2002, the figure would be 0.45 per cent. It was estimated that by the end of 2003 ODA would be approximately €441 million. The target was to reach 0.7 per cent of GNP by the end of 2007, implying ODA of approximately €1 billion.

52. In reply to question 6, when Ireland acted within an international organization its representatives took into account Ireland's obligations under the Covenant, often in concert with other members of the European Union. As a member of the Security Council, one of Ireland's priorities was to ensure that draft resolutions complied with its international obligations in the field of human rights.

Articles 6-10 of the Covenant

53. Mr. TEXIER said that he was disappointed that the written replies had been provided in English only. He was astounded that Ireland had not ratified ILO Convention No. 111 concerning Discrimination in respect of Employment and Occupation. He had also been surprised to learn that although Ireland had ratified the European Social Charter and its 1991 Protocol, it had not ratified its Additional Protocol of 1995 Providing for a System of Collective Complaints, or the Revised European Social Charter of 1996. He wondered whether there was a particular reason for Ireland's non-ratification.

54. It was disappointing that the State party's second periodic report contained so little information about unemployment trends. More detailed information should be provided. Additional information should also be provided on the Government's unemployment policy; for example, what measures were being taken to ensure that unemployed people received a minimum income? What measures had been adopted by the Government to help people to return to work, particularly young people and the long-term unemployed? It was acceptable that asylum-seekers should not be allowed to work; however, the State party should ensure that their status was resolved within a reasonable delay, preferably within six months.

55. He shared the concern of the Human Rights Committee regarding the provision in the Employment Equality Act that allowed religious authorities to discriminate against potential employees on the ground of religion when recruiting staff for their schools and hospitals. Such a provision was inconsistent with article 7 of the Covenant.

56. The Committee on the Elimination of Discrimination against Women had indicated that there were still huge discrepancies between the situation of men and women in the workplace. It appeared that no women over the age of 50 held salaried posts. He asked the State party to clarify the matter and to provide information on wage equality and the problems that had been encountered in efforts to promote equal opportunities in the workplace.

57. He welcomed the fact that Ireland had introduced a national minimum wage. However, the rate seemed low by European standards, particularly as it applied to experienced adult workers only. The reporting State should indicate whether a minimum wage was available for workers under the age of 18, inexperienced workers and trainees.

58. He welcomed the fact that the Merchant Shipping Act (1894), which contained out-of-date penal sanctions for merchant seafarers, had been repealed.

59. The European Committee of Social Rights had made several observations concerning Ireland that echoed the concerns of the Committee. For example, it had drawn attention to the fact that belonging to a trade union did not necessarily provide an individual with appropriate protection.

60. *The second periodic report provided detailed information and statistics on pensions and* retirement. Given the current demography of European countries, the payment of pensions was a matter of growing concern. The Government should outline its policy on pension payments over the medium term.

61. Mr. MARTYNOV said he welcomed the introduction of a minimum wage and would be interested to know how it corresponded to the cost of living. He was concerned that some workers were excluded from the minimum wage.

62. He drew the delegation's attention to the concluding observations of the Committee (E/C.12/1/Add.35) following consideration of Ireland's initial report (E/1990/6/Add.15), in which it noted with concern that social welfare payments were not above the income poverty line. The reporting State should give an indication of the correlation between welfare payments and the cost of living and indicate what standard of living could be attained.

63. Lastly, he drew attention to paragraph 122 of the report, which revealed that social welfare expenditure had dropped from 12 per cent of GNP in 1996 to 11.2 per cent in 1997. More up-to-date statistics should be provided.

64. Mr. ATANGANA asked the delegation to inform the Committee of the specific recommendations contained in the May 1998 report of the Commission on the Family. Had the construction of the prison for female offenders been completed, and was it in use? While commending the State party for taking steps to abolish corporal punishment in schools, he expressed concern about the suicide rate, which was apparently quite high. What measures were being considered to combat that phenomenon? Had the Children Bill been adopted? What were the main provisions of the Child Trafficking and Pornography Act, 1998?

65. Mr. THAPALIA asked whether the Government had any programme to raise awareness of domestic violence, emotional abuse, and gender discrimination at work. What were the Government's policies in relation to unisex marriage and children born out of wedlock? Lastly, what percentage of the Government's budget was allocated to official development assistance?

66. Mr. KOLOSOV asked whether the Government had considered the possibility of acceding to the International Convention on the Rights of All Migrant Workers and Members of Their Families and if so, what specific provisions of that Convention had blocked accession.

67. Mr. SADI noted that pregnant women were allowed by law to go to other countries to seek abortions, but that abortion was prohibited in Ireland. He asked whether that double standard could give rise to legal issues, and requested statistics concerning the estimated number of women who died while attempting illegally to abort their pregnancies in Ireland. If such cases existed, and the purpose of the anti-abortion law was to protect life, then perhaps another balance must be struck.

68. According to the report, the Children Bill of 1996 would raise the age of criminal responsibility from 7 to 10. That age limit was still excessively low. Had the Government's position changed?

69. Throughout Europe, there had been a trend toward the application of more stringent criteria for the acceptance of asylum-seekers. Had the same phenomenon been seen in Ireland?

70. Mr. WIMER ZAMBRANO asked why the State party had not acceded to the International Labour Organization Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) and the Worst Forms of Child Labour Convention, 1999 (No. 182).

71. Mr. TEXIER asked what legal provisions applied in cases of mass and individual dismissal. Were dismissed workers provided with severance pay? If they were made redundant for economic reasons, did they receive assistance in finding new employment?

72. Mr. HUNT noted that the Government's reply to question 19 in the list of issues claimed that the Domestic Violence Act, 1996, had been successful in dealing with the issue of domestic violence. Yet according to the same reply, in 1999 there had been some 10,000 incidents of domestic violence. Could the delegation explain why the Act had been considered a success? He commended the Government for carrying out a review of the Domestic Violence Act in 1999 and for taking action on one of the resulting recommendations, namely, the development of an intervention model. What were the review's other recommendations relating to domestic violence, and was the Government taking action on them as well?

73. Mr. JESTIN (Ireland) said that government policy had consistently sought to reduce unemployment levels. Long-term unemployment had shown a significant drop, from 6.9 per cent in April 1996 to 1.2 per cent in August 2001, which was well below the average for the European Union. Of some 80,000 unemployed persons, about 22,000 were regarded as long-term unemployed. The success in combating long-term unemployment had had important social dividends in many regions that had traditionally been considered as disadvantaged. Notwithstanding the drop in unemployment, the Government had maintained a range of programmes aimed at facilitating access to the labour market for unemployed workers. In 2001, such programmes, some supported by the European Social Fund, had cost some €400 million, and had been implemented by a broad range of agencies. Targeted measures ensured that young people and the unemployed were qualified to meet the demand for an increasingly skilled workforce, for example by implementing back-to-education schemes and by providing income support to the unemployed during periods of vocational training.

74. Mr. COSTELLO (Ireland) said that the Government had set an objective of reducing to six months the processing time for asylum applications, and that it had made much progress in that respect. There were currently only about 3,000 applications which had been filed more than six months earlier, and by mid-2002 the backlog was expected to be reduced still further. The aim of the Government was to streamline the processing of asylum applications so that genuine refugees would be granted asylum as quickly and efficiently as possible, and to ensure that a more comprehensive system existed for other types of immigrants. While there were some manifestations of racism and xenophobia in Ireland, there was no change in policy towards refugees, asylum-seekers or immigrants.

75. Ms. DOYLE (Ireland) said that parity of pay had not yet been achieved in Ireland, but that the Government was anxious to identify the reasons and to take initiatives to reduce the gap. In 1994 and 2000 the Economic and Social Research Institute had been requested to draw up

reports on pay parity. The difference in pay between men and women had been dropping steadily, from 20 per cent in 1987 to 15.5 per cent in 1997. It had been estimated that the remaining gap was to a large extent attributable to the fact that women workers were younger and less experienced. The Government had established a tripartite consultative group on the subject as part of the programme for prosperity and fairness. A study had also been commissioned to compare the situation of women in the labour market in Ireland, Finland, Sweden and the Netherlands.

76. The exclusion of religion from employment equality legislation derived from the Constitution, which provided protection for religious practice and ethos, particularly in certain contexts such as education. Educational establishments were thus permitted to recruit teachers in sufficient numbers so that their religious ethos could be maintained. That did not, however, mean that all or even most teachers had to practise a particular religion.

77. Ms. LANGFORD (Ireland) said that Ireland had been the first member State of the European Union to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization.

78. Among women between the ages of 25 and 34 who had children, participation in the labour market was 77 per cent. By contrast, the rate among women over 50 was about 25 per cent, owing in part to the fact that until 1979 women working in the public sector had been obliged to leave their jobs when they married. The statistics thus reflected a historical distortion in women's participation which would work itself out over time. In order to achieve the target of 60 per cent participation by women by the year 2010, set at the Lisbon European Council, the Government would take steps to encourage women over 50 to return to work.

79. Mr. MANGAN (Ireland) said that while the population was ageing, the situation was currently far less serious than in other European countries. However, ageing would accelerate beginning in the 2020s, and by 2056 it was estimated that there would be just two workers for every pensioner. The Government had established a pension reserve fund of some €7.7 billion, mainly from the proceeds of the sale of the national telephone company, and it intended to contribute about 1 per cent of gross domestic product per year to the fund until 2026.

80. Private pension funds covered about 50 per cent of the workforce, with such schemes financed on a funded basis. A new system of private retirement savings accounts had recently been instituted with a view to extending the coverage of private funds to 70 per cent of the workforce. The decline in the percentage of gross domestic product allocated to social protection was in large part due to the fact that rapid GDP growth had outstripped increases in social spending.

81. Ms. LANGFORD (Ireland) said that the Commission on the Family had issued recommendations relating to parental and adoptive leave, flexible working practices, childcare, pre-school services and social insurance for women working in the home. Some progress had been made in relation to all those issues. The new women's prison had begun to operate in 1999.

It offered optimal vocational training and education facilities. Conditions were of such a high standard that some of the inmates had, upon their release, tried to return. Statistics on domestic violence indicated a rise in the number of cases recorded not because the problem was becoming worse, but because of improvements in reporting procedures.

82. Mr. O'DWYER (Ireland) said that under the Children's Act, 2001, the age of criminal responsibility would be raised gradually from 7 to 12.

83. Ms. CANAVAN (Ireland) said that the Government had begun implementation of a national suicide r duction strategy. A suicide review group had been set up with the aim of conducting research and providing advice on measures to combat the phenomenon. Special attention had been given to providing psychological support for groups at risk, such as the young and the elderly.

84. Mr. JESTIN (Ireland) said that in April 2000 the minimum wage had been set at two thirds of the median wage. It currently covered approximately 163,000 workers, and was due to rise from €5.59 to €6.35 an hour by October 2002.

Article 11 of the Covenant

85. Mr. PILLAY asked why the national anti-poverty strategy and the Disability Bill had not been drafted with sufficient attention to a human rights-based approach. The Government had not taken into consideration the recommendations issued by the Committee in its concluding observations in 1999 when it had called upon the State party to integrate a human rights approach into the strategy. The Committee had also called for a rights-based approach to be adopted in such policies in its statement on poverty, of 4 May 2001 (E/C.12/2001/10). The right to housing was defined sufficiently to be justiciable, in particular with regard to core obligations, as set out inter alia in general comment No. 4.

The meeting rose at 6 p.m.